



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,580	11/07/2001	Glenn R. Engel	10003418-1	8127

7590 07/26/2006
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,580

Applicant(s)

ENGEL, GLENN R.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed 04/20/2006.
2. Claim 6 was amended.
3. Claims 1 and 2 are canceled.
4. Claims 3-15 are pending in this office action.

Response to Amendment

5. Applicant's arguments with respect to claims 3-15 have been considered but are moot in view of the new ground(s) of rejection. Arguments that remain pertinent are addressed below.
6. Applicant argues on page 8 of the remarks - "The examiner has not pointed to any suggestion in either reference of the server providing a web page for a data collector in response to receiving a message from that collector"
 - a. Examiner's response - Hemphill teaches that initiation of the managed device begins after the device has sent a registration message (Col. 2 lines 1-13 and Col. 10 lines 19-67). Management of the device includes providing a web page for accessing data generated by that device and sent to the server from that device (Col. 5 lines 3-29 and Col. 5 line 64 - Col. 6 line 12). As the web page is not available at the server until management of the device begins, which is a result of a registration message, the provision of the web page is responsive to the registration message. The examiner considers this to be within the scope

Art Unit: 2155

of the claimed subject matter. The rejection has been clarified in regards to this limitation.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,405,111 by Rogers et al. (Rogers).

9. With respect to Claim 3, Petite teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network (Col. 8 line 60 - Col. 9 line 22); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

wherein said controller communicates said data via HTTP (Col. 9 lines 11-22).

10. With respect to Claim 4, Rogers teaches wherein said controller receives data from said server that determines a measurement to be made by said controller (Col. 9

lines 23-65 - controller may be connected to any number of sensors where a specific network controller (server) will provide appropriate specifications according to the sensor type).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,920,495 by Fuselier et al. (Fuselier).

13. With respect to Claim 5, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network (Col. 8 line 60 - Col. 9 line 22); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14);

Rogers does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented

Art Unit: 2155

in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Rogers and modify it as indicated by Fuselier such that the node further comprises wherein said controller communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

14. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,085,243 by Fletcher et al. (Fletcher).

15. With respect to Claim 6, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network having a segment that is part of the Internet (Col. 8 line 60 - Col. 9 line 24); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

Rogers does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in

the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Rogers and modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

16. With respect to Claim 7, Rogers further teaches wherein said clock is set via a message received from said server (In Fletcher: Col. 10 lines 1-33).

17. Claim 8-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill).

18. With respect to Claim 8, Rogers teaches a method for operating a computer network to collect data, said method comprising the steps of:

providing a data collection node connected to said network (Col. 8 line 60 - Col. 9 line 22 and Col. 8 line 60 - Col. 9 line 22), said data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 line 60 - Col. 9 line 22);

a controller for generating data based on measurements of said received signals and communicating that data to a sever via said computer network (Col. 9 line 66 - Col. 10 line 14);

causing said controller to send a message to said server containing data generated by said controller (Col. 9 line 66 - Col. 10 line 14).

Rogers does not explicitly disclose causing said server to provide a web page for accessing data generated by said controller in response to receiving a registration message from said controller and causing said controller to send a message to said server containing data generated by said controller after said controller sends said registration message. Hemphill teaches registrations techniques are known in the art (Col. 1 lines 13-44). Hemphill further teaches a data collection node which sends a registration message to a server (Col. 10 lines 19-67) which initiates the management of the node by the server (Col. 2 lines 1-13). After management of the device begins (in response to the registration message), the information from the node can be sent to the server and is further available through a web page (Col. 5 lines 3-29 and Col. 5 line 64 - Col. 6 line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers and modify it as indicated by Hemphill such that the method further comprises causing said server to provide a web page for accessing data generated by said controller in response to receiving a registration message from said controller; and causing said controller to send a message to said server containing data generated by said controller after said controller sends said registration message. One would be motivated to have this, as it is desirable to provide information about devices at the time of discovery (In Hemphill: Col. 1 lines 52-59).

19. With respect to Claim 9, Rogers further teaches the step of causing said controller to send a registration message to said server prior to communicating said data to said server (In Hemphill: Col. 10 lines 19-67 and Col. 5 lines 3-29).
20. With respect to Claim 10, Rogers further teaches said controller communicates said message containing said data via HTTP (In Rogers: Col. 9 lines 11-22) *and* (In Hemphill: Col. 2 lines 46-63 and Col. 9 lines 35-46).
21. With respect to Claim 11, Rogers further teaches wherein said controller receives data from said server that determines a measurement to be made by said controller (Col. 9 lines 23-65 - controller may be connected to any number of sensors where a specific network controller (server) will provide appropriate specifications according to the sensor type).
22. With respect to Claim 15, Rogers further teaches the step of providing access to said web page via the Internet (In Rogers Col. 9 lines 11-24) *and* (In Hemphill: Col. 4 lines 10-13).
23. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Hemphill as applied to claim 8 above, and further in view of Fuselier.
24. With respect to Claim 12, Rogers in view of Hemphill teaches all the limitations of Claim 8 but does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented

in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers in view of Hemphill and modify it as indicated by Fuselier such that the node further comprises wherein said controller communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

25. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Hemphill as applied to claim 8 above, and further in view of Fletcher.

26. With respect to Claim 13, Rogers in view of Hemphill teaches all the limitations of Claim 8, but does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rogers in view of Hemphill and

Art Unit: 2155

modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

27. With respect to Claim 14, Rogers in view of Hemphill and in further view of Fletcher teaches all the limitations of Claim 13 and further teaches the step of resetting said clock to a time determined by a message received from said server (In Fletcher: Col. 10 lines 1-33).

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. U.S. Patent Application Publication 2002/0078173 by Horn et al. "Data Acquisition System and Method" June 20, 2002. Discloses a data acquisition device that includes a sensor interface and a network interface. The network interface allows communication of sensor data using http over a LAN or WAN.

30. U.S. Patent 6,885,309 by Van Heteren "Meter to Internet Pathway" April 26, 2005. Discloses a data collector for metering devices. The collector includes various internet interfaces.

31. U.S. Patent 6,437,692 by Petite et al. "System and method for monitoring and controlling remote devices" August 20, 2002. Discloses sensors in combination with


Art Unit: 2155


transceivers and local gateways that allows for communication of sensor data over networks such as the internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Lazaro
July 21, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER